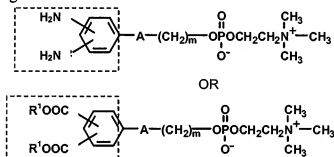


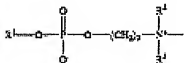
REMARKS

Claims 1-4 stand rejected under 35 USC 103(a) over Arimori. The Examiner alleges that the only difference between the compound recited in claim 1 reproduced below and the phosphorycholine side chain of Arimori also reproduced below is that variable A of claim 1 represents a single bond, -O-, or -COO- group while it is a single bond in Arimori's structure. This rejection is respectfully traversed.

The Examiner's statement that the only difference between the side chain of Arimori and the compound recited in claim 1 is variable A is incorrect. The compound of claim 1 is represented by one of the following formulas:



wherein the R¹'s may be the same or different from each other and are each a hydrogen atom or a carboxyl-protective group. Thus, claim 1 recites a diamino phenyl or a dicarboxyl phenyl group (boxed in the formulas above) which are capable of undergoing polymerization reactions. On the other hand, the Examiner references the following structure from Arimori on page 6 of the Action.



, wherein the variable R² or R³ independently

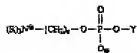
represent C₁₋₂₀ alkyl (i.e., methyl), and the variable R¹ represents C₇₋₂₀ aralkyl (e.g., benzyl, phenylbutyl), see column 7 and 27-28.

Arimori states that R¹ in the side chain structure is an alkyl, aryl, aralkyl, or an oxyalkylene group linked to an alkyl, aryl or aralkyl group (Arimori, column 5, line 53-column 6, line 7). Arimori fails to teach or suggest an R¹ substituent that is a diamino phenyl group or a dicarboxyl phenyl group as recited in claim 1. Accordingly, in view of Arimori, a person of ordinary skill in the art would have had no reason to modify the structure of Arimori to obtain the compound recited in claim 1, and this rejection should be withdrawn.

In addition, the claimed diamino phenyl and dicarboxyl phenyl groups are polymerizable functional groups that form the backbone of a biomaterial. The resulting biomaterial is a completely different polymeric substance from that disclosed in Arimori in that the benzene ring of the claimed diamino phenyl group or dicarboxyl phenyl group is incorporated into the polymeric backbone of the biomaterial, resulting in excellent heat resistance, hydrolysis resistance and mechanical strength. (Specification, page 27, line 25 to page 28, line 3) This result is not taught, suggested or predictable in view of Arimori. Accordingly, the claimed diamino phenyl group and the dicarboxyl phenyl group would not have been obvious to a person of ordinary skill in the art, and this provides a second reason for withdrawing this rejection.

Claims 1-4 stand rejected under 35 USC 103(a) over Straford. Specifically, the Examiner alleges that the only difference between the compound recited in claim 1 and the compound of Straford reproduced below is that variable A of claim 1 represents a single bond, -O-, or -COO- group while it is a single bond in Straford's compound. Again, the Examiner's statement is incorrect.

The Examiner referenced the following formula from Straford on page 7 of the Action.



, wherein the variable R independently represent C₁₋₄ alkyl (i.e., methyl), and the variable n is 0 to 5, the variable Y represents $-(\text{CH}_2)_a\text{-Ar}$ $(\text{CH}_2)_b\text{X}$, and the variable a is 1-5, the variable AR represents phenyl substituted with

amino, and the variable b is 0 and the variable X represents $\text{Z} - \text{C} \begin{array}{c} \text{O} \\ \parallel \\ \text{O} \end{array} -$, and the variable Z is C₁₋₄ alkyl, see column 1-3.

As noted above, Y at most represents $-(\text{CH}_2)_a\text{-Ar}-(\text{CH}_2)_b\text{-X}$, wherein a and b range from 0 to 5, and X represents one amino group or one carboxyl group, not a diamino phenyl or a dicarboxyl phenyl group as claimed. Since Straford fails to teach or suggest any reason for having two carboxyl groups or two amino groups substituted on a phenyl group as recited, the Examiner has relied on a forbidden hindsight to make this rejection. Accordingly, this rejection should be withdrawn.

In addition, since Straford fails to teach or suggest the diamino phenyl group or dicarboxyl phenyl group, the biomaterial resulting from the compounds of Straford is a completely different substance from one resulting from the claimed compound. In fact, Straford discloses that its compounds are used to form biomaterial coatings, not to form biomaterials with excellent processability, mechanical strength and heat resistance that result from the claimed invention. Accordingly, Straford relates to a completely different invention, and this provides a second reason to withdraw this rejection.

In view of the above, each of the presently pending claims in this application is in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue. If it is determined that a telephone

conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Docket No. 58428-2000100.

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